

[NOT YET SCHEDULED FOR ORAL ARGUMENT]

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA**

PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS,
MADELINE KRASNO, and RYAN
HARTHOPF,

Plaintiffs–Appellants,

v.

LAWRENCE A. TABAK, in his
official capacity as Acting Director of
the National Institutes of Health, and
XAVIER BECERRA, in his official
capacity as Secretary of the U.S.
Department of Health and Human
Services,

Defendants–Appellees.

Case No. 23-5110

**NOTICE OF DISTRICT COURT'S DECISION
ON LIMITED REMAND**

Pursuant to Federal Rule of Appellate Procedure 12.1(b) and this Court's January 8, 2024 order, Plaintiffs–Appellants submit this notice of the district court's order entered on limited remand in *People for the Ethical Treatment of Animals v. Tabak*, No. 21-CV-2380 (BAH) (D.D.C. Mar. 31, 2023) (*PETA*). On January 11, 2024, the district court granted the consent motion to dismiss with prejudice the remaining claims against Defendant Xavier Becerra regarding the U.S. Department

of Health and Human Service's own Facebook page. *PETA* Minute Order, January 11, 2024. The district court has subsequently transmitted the record back to this Court. *See PETA*, ECF. No. 50.

January 17, 2024

Respectfully submitted,

/s/ Caitlin M. Foley

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Certificate of Service

I, Katherine Fallow, certify that on January 17, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.

/s/ Katherine Fallow
Katherine Fallow